

REMARKS

Independent Claim 1 and Claims 2-4 dependent therefrom, together with independent Claim 11, remain in the application. Reexamination and reconsideration of the application, as amended, is hereby requested.

Claim 1 has been amended to specify that the spacer disk is formed of a generally rigid polymer. Basis for this limitation appears in the specification at least on page 11, at lines 24-26, and on page 16, at lines 1-3.

Applicants' attorney wishes to thank Examiner To for the courtesies extended to him during the personal interview granted by Examiner To and conducted at the United States Patent and Trademark Office on October 22, 2004.

The amendment to Claim 1 was a result of that interview in which Applicants' undersigned attorney and Examiner To discussed possible amendment, and Examiner To agreed to consider such a proposed amendment reciting in independent Claim 1, in part, a spacer disk having a certain characteristic material.

The Examiner rejected Claim 1 under 35 U.S.C. §102(b) as being anticipated by Japan Publication (JP.11210794). This rejection now is overcome since it is believed that independent Claim 1, as amended, is not anticipated by the '794 publication. Nowhere does the '794 publication disclose the use of a spacer disk formed of a generally rigid polymer which generally is prevented from movement relative to a bushing assembly to in turn generally prevent excessive wear to the spacer disk as the disk moves relative to the frame hanger.

The Examiner also rejected Claim 4 under 35 U.S.C. §103(a) as being unpatentable over the '794 publication in view of FIG. 1 (Prior Art) of the present invention. Had it been so obvious for one having ordinary skill in the art at the time the invention was made to modify the bushing system of the '794 publication, as allegedly taught by FIG. 1 (Prior Art), to be formed of ultra-high molecular weight polyethylene, then it begs the question as to why it was not earlier done. The §1.132 Affidavit attached hereto, which forms a part of this Response, demonstrates the rapid commercial acceptance/success and long-felt need in the art of the claimed invention, which utilizes a generally rigid polymer. Neither of the cited references suggests this specific combination now recited in independent Claim 1.

As evidenced by the attached §1.132 Affidavit, Applicants were the first to recognize the advantages of a spacer disk formed of a generally rigid polymer which generally is prevented

from movement relative to the bushing assembly to thereby generally prevent excessive wear to the spacer disk due to its movement relative to the frame hanger during operation of a vehicle. The results produced by Applicants' invention have been long-sought after by those skilled in the art, but until Applicants' invention, the results have not been obtained. The Affidavit also unequivocally proves rapid commercial acceptance of Applicants' invention, as well as sustained and increasing commercial acceptance/success.

The above amendments were necessitated by the above-noted interview. More specifically, it is believed that the amendment is necessary because it effectively overcomes the prior art, and was not earlier presented because earlier prosecution did not focus on the material of the spacer disk as being a limitation which overcomes the prior art of record.

Applicants thank the Examiner for his indication of allowable subject matter in Claims 2, 3 and 11.

In view of the above amendment and remarks, it is submitted that the claims now are in condition for allowance, and reconsideration of the rejections is hereby respectfully requested and allowance of Claims 1 and 4 at an early date is hereby earnestly solicited.

Respectfully submitted,

BUCKINGHAM, DOOLITTLE & BURROUGHS, LLP



By: David P. Dureska, Registration No. 34,152

4518 Fulton Drive, N.W.
P. O. Box 35548
Canton, OH 44735-5548
Telephone: (330) 491-5289
Facsimile: (330) 252-5454
E-Mail: ddureska@bdblawn.com
Attorney Docket No.: HEND-AI (45007-144)